



LOS ANGELES COUNTY COMMISSION ON HIV

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While not required of meeting participants, signing-in constitutes public notice of attendance. Presence at meetings is recorded solely based on sign-in sheets, and not signing-in constitutes absence for Commission members. Only members of the Commission on HIV are accorded voting privileges, thus Commissioners who have not signed in cannot vote. Sign-in sheets are available upon request.

JOINT PUBLIC POLICY (JPP) COMMITTEE MEETING MINUTES November 5, 2008

Approved
2/04/2009

MEMBERS PRESENT	MEMBERS ABSENT	PUBLIC	HIV EPI AND OAPP STAFF	COMM STAFF/ CONSULTANTS
Lee Kochems, <i>Co-Chair</i>	Whitney Engeran-Cordova,	Alexander Ghaffari	Elizabeth Escobedo	Julie Cross
Jeffrey Goodman	<i>Co-Chair</i>	Kimberlee Woods	Sophia Rumanes	Carolyn Echols-Watson
James Skinner	Kyle Baker			Jane Nachazel
Chris Villa	Carrie Broadus			Craig Vincent-Jones
Kathy Watt	Ruel Nolloedo			
	Dean Page			
	Ron Snyder			

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- 1) **Agenda:** JPP Committee Agenda, 11/5/2008
- 2) **Minutes:** JPP Committee Minutes, 10/1/2008
- 3) **Summary:** Steve Grissom Relief Fund Act Presentation, 11/5/2008
- 4) **Brief:** Support for Steve Grissom Relief Fund Act from National Association for Victims of Transfusion-Acquired AIDS. Inc.(NAVTA), 2008
- 5) **Letter:** Support for Steve Grissom Relief Fund Act from City of Los Angeles, Stephen Simon, 7/18/2008
- 6) **Letter:** Support for Steve Grissom Relief Fund Act from Congresswoman Nancy Pelosi, 7/29/2005
- 7) **Letter:** Support for Steve Grissom Relief Fund Act from Congressman Henry Waxman, 8/15/2005
- 8) **Letter:** Support for Steve Grissom Relief Fund Act from Congressman Henry Waxman, 8/25/2005
- 9) **Article:** Santa Monica Daily Press, Western Dental Services, Inc. Discrimination Lawsuit, 11/1-2/2008
- 10) **Brief:** Medicare Part B Premium Payments, Commission on HIV, 10/2008
- 11) **Memorandum:** Sacramento Update – County-Sponsored Legislation, William Fujioka, Chief Executive Officer, 10/31/2008
- 12) **Legislation:** Amendment to the Labor Code Relating to the Film Industry, 1/15/2008
- 13) **Transcript:** JPP Committee Public Hearing on Condom Usage in the Adult Film Industry, 10/1/2008
- 14) **Letter:** Commission to CEO, Request for Legislative Co-Sponsorship, 9/10/2008
- 15) **Letter:** Commission to CEO, Recommendations for State Legislative Agenda, Craig Vincent-Jones, 9/10/2008
- 16) **Matrix:** State Public Policy Issues Docket, 11/5/2008

1. **CALL TO ORDER:** Mr. Engeran called the meeting to order at 2:15 pm.
2. **APPROVAL OF AGENDA:**
MOTION #1: Approve the Agenda Order, as amended (**Postponed**).
3. **APPROVAL OF MEETING MINUTES:**
MOTION #2: Approve JPP Committee meeting minutes, as presented (**Postponed**).
4. **PUBLIC COMMENT, NON-AGENDIZED:**
 - Mr. Ghaffari requested the Commission's support for the Steve Grissom Relief Fund Bill. He provided a brief history of the bill and its origins. Congressman Henry Waxman originally introduced the Bill in 2001 and re-introduced it 2005). The bill would need to be re-introduced in the next legislative session, and would need another author and sponsors.

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- Funding provided by the bill would be for those who contracted HIV through blood transfusions and did not have hemophilia. The Act will provide \$100,000 to each person infected with HIV as a result of “contaminated” blood; if the infected person is deceased, the payment would be distributed to the surviving spouse or children. He estimates there to be approximately 12,000 HIV-infected people nationwide who benefit from the legislation. It is estimated that of those infected at Cedars-Sinai Medical Center, only four remain alive; he is one of the remaining survivors.
- Re-introducing the Steve Grissom Relief Fund Act would mirror the Ricky Ray Act. The Ricky Ray Act was passed in 1998 to provide assistance for hemophiliacs who were infected prior to blood screening in 1985. Through the Act, hemophiliacs received a one-time payment of \$100,000 per person or survivor. He noted that hemophiliacs were more successful in organizing because they all received their blood products from the same businesses.
- According to Mr. Ghaffari, the US is the only developed country that has provided no financial compensation for people infected with HIV through blood banks. Transfusion victims were prohibited from suing blood banks by state shield laws enacted to protect them from liability.

5. COMMITTEE COMMENT, NON-AGENDIZED:

- Mr. Goodman reported he is the principle plaintiff in a lawsuit against Western Dental Services, which has received good media coverage. Discrimination against PLWH/A is alleged to be the corporate culture at Western Dental.
- ➡ It was agreed to keep pending items on the agenda for reference.

6. CO-CHAIRS' REPORT:

- A. **Meeting Time:** The meeting will remain a three-hour meeting for now.
- B. **Decision-Making Process:** The item was postponed.

7. PUBLIC BENEFITS:

A. Medicare Part B:

- Ms. Cross summarized the change in Medicare Part B premium payments for Medicare-Medi-Cal clients with a shares-of-cost over \$500. The premium is \$96.40 and the State has traditionally paid it. State payment of the premiums was scheduled to end November 2008 due to budget cuts, but it was delayed and it won't take effect until December 2008.
- Medi-Cal sent out initial notices, but is sending new communications with the new implementation date. Additionally Medi-Cal and the Social Security Administration are expected to distribute letters providing detailed information about the discontinuation of the premium payment and the impact it will have on Medicare Part B services.
- There was concern that the first notices failed to clearly explain the consequences of the change and the clients' options. Members of the Committee anticipate that some recipients' might drop their Part B coverage with knowing the true consequence of their actions. Those who drop their coverage will have to wait until July 2009 to re-enroll in Part B coverage and will have to pay penalties.
- Ms. Cross is working with the local branch of the National Senior Citizen Law Center to develop a script for call centers that provide information on the impact of the premium payment change. The call center will have an 800 number that connects directly to a general call center out-of-state.
- The State Office of AIDS (OA) is looking at the possibility of a premium payment program, but it will take time to develop something statewide. For that reason, there have been discussions on a temporary local solution.
- Logistics are also a problem. The easiest way would be to pay Social Security directly, but they do not work with local entities. Directly reimbursing clients may miss eligible people and presented other logistic and regulatory issues.
- Mr. Vincent-Jones said the Executive Committee approved an emergency motion on the Commission's behalf to allocate Part A funds as needed to help the estimated 350 PLWH/A that might be affected. The motion will be forwarded to the Annual Meeting for ratification. It is possible the \$600,000 allocated for the Medicare Gap program might be used as it will expire December 31st and only one client has been served. There will be a review of that program to evaluate how clients are coping.
- Committee members asked how this work sets a precedent, but it was discussed that the Medicare Part D response already did so addressing Medicare problems. It was added that HRSA did not appear to oppose these solutions, and emphasized that each one of these benefits challenges needs to be addressed individually when they arise.

➡ It was agreed to ensure the Case Management Task Force was informed on developments.

B. Medi-Cal: There was no additional information.

8. HIV SURVEILLANCE: There was no additional information.

9. CONDOMS IN THE ADULT FILM INDUSTRY (CAFI):

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- Mr. Fujioka's letter in the packet confirms that the County will co-sponsor the legislation. Efforts to find a legislative author are underway. Organizations like the ACLU, AHF, and STD Programs have already vetted the last version of the language, but more attention to the role of Cal-OSHA is anticipated.
- Ms. Woods questioned potential conflict-of-interest of Committee members who may be affiliated with bill sponsors. Mr. Vincent-Jones explained that conflict-of-interest is a financial concern, and multiple people at the JPP are regularly involved at varying levels of various policy efforts being considered. The Committee agreed that when a Committee member or meeting participant has a leadership role in a policy matter being considered by the Committee, they should disclose it. The Committee felt that its members and participants have followed those guidelines consistently in the past.
- It was asked if the adult film industry would be more accurately considered sex rather than film work. Mr. Vincent-Jones responded that while sex work was involved, the ultimate product was adult films. Additionally, sex work is not a legal activity, and the adult film industry is in California. He noted that 80% of heterosexual adult films are made without using condoms, indicating a lack of concern for performers' safety.
- Mr. Vincent-Jones noted the Commission chooses support specific legislation based on several criteria including: where it can make a difference. He noted that Dr. Peter Kerndt, Director, STD Control has always said that performers are the largest group of high-risk people whose prevention issues have not been addressed, though the County has worked on the issue for six years. The industry offered its own approach after the outbreak in 2004, but the approach has not been implemented and efforts have declined, not improved, since then.
- Ms. Rumanes noted the Prevention Planning Committee (PPC) voted not to support this legislation in the past. Mr. Vincent-Jones said the County has had the policy for years, so the PPC can best influence legislation by participating in the process.
- ➡ It was agreed that the draft legislative would be forwarded for input from the PPC within the next three weeks.
- ➡ It was agreed that in future everyone will identify if they work for an agency that is sponsoring a bill.

10. WORK PLAN:

A. **Timeline:** There was no additional information.

B. **Prioritization:**

- Mr. Kochems noted the Obama administration was not likely to set the traditional "100 day agenda." Ms. Cross is a member of the National HIV Health Access Work Group. Once focused on Medicare-Medi-Cal issues, it has been broadening its agenda. It is moving away from the "100 day" approach and is focusing on key items, especially allowing ADAP payments to count toward Medicare Part D share-of-cost, commonly known as True Out-Of-Pocket (TrOOP) legislation. She suggested partnering with the work group to lend a consumer's face to the issue.
- Several issues integrate federal health care reform and state issues. For example, President Elect Obama co-sponsored legislation last year to reduce the SSDI 24-month waiting period until Medicare takes effect.
- There are also three House resolutions that would cut federal matching for state Medicaid funds which could impact funding for County hospitals, clinics and hospices. The Commission will be working with the County advocates on these issues, especially as some suggest that a new bail-out plan may address state Medicaid and related issues. Ms. Cross said it is important to closely monitor the special session of the State Legislatures, as cuts are being made without discussion.
- Mr. Vincent-Jones added he had suggested the County sponsor omnibus legislation to address a number of state benefits issues like the Medi-Cal formula and CARE/HIPP disability, but was told that no new spending proposals would be considered.

C. **Assignments:** There was no additional discussion.

11. **PUBLIC POLICY ISSUES DOCKET:** The updated docket was in the packet. Federal issues have not been included in the past as it is intended to be a working document for the Committee. However, selected issues like TrOOP will be included in the new docket as they are identified for action by the Committee.

12. **ANNOUNCEMENTS:** There were no announcements.

13. **ADJOURNMENT:** The meeting was adjourned at 3:45 pm.